

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.6416 of 2006

Baban Dattatraya Bagal ..Petitioner

vs.

Suresh jagannath Shinde
and others ..Respondents

Shri U.P.Warunjikar for petitioner.
Shri A.M.Kulkarni for respondent no.1
Shri S.K.Chinchalikar for respondent nos. 2 to
4.

**CORAM: S.C.DHARMADHIARI J.
5th December, 2007**

P.C.

1. By this petition under Articles 226 and 227 of the Constitution of India, the petitioner is challenging the order passed by the Additional Commissioner, Pune Division, Pune on 3rd August, 2006 and Additional Collector, Sangli in RTS proceedings.

2. There is no dispute about the fact that the petitioner had filed Reg.Civil Suit No.55 of 1992 for declaration of ownership and permanent injunction against respondent no.1. The suit was based on the sale deed dated 30th June, 1980. The petitioner has pointed out that the respondent also filed Reg.Civil Suit No.157 of 1992 for partition and separate possession. The

petitioner's suit was dismissed by the Trial Court on 1st March, 2002. An appeal therefrom was allowed and the matter stood remanded to the Trial Court. Upon remand, the suit has been dismissed once again with the above order (1st March, 2002). It is not necessary to refer to the finding therein because once again admitted position is that the Reg.Civil Appeal filed by the petitioner before the District Court at Sangli was also dismissed on 10th November, 2003. The second appeal also has been dismissed summarily.

3. The respondent's suit is also dismissed and an appeal therefrom has been dismissed as well. It is in such circumstances that the revenue authorities have observed that mutation entry which is subject matter of the revenue proceedings and more particularly the order of 3rd August, 1986 cannot be disturbed. The revenue authorities have referred to all these proceedings. The revenue authorities and more particularly the Additional Commissioner, Pune Division, Pune has, in such circumstances, observed that the decision of the Additional Collector does not suffer from any infirmity requiring interference in revisional jurisdiction.

4. These are the matters which are decided during the course of powers that are conferred upon the authorities under the Maharashtra Land Revenue Code, 1966. These are the matters which do not decide and finally adjudicate the issue of title to the immovable property. Despite all such orders if the petitioner has any right or interest in the subject immovable property, his remedy is to approach the competent civil court and claim appropriate relief. Needless to state that the orders of the revenue authorities cannot be held to be conclusive on the issue in such suit and, therefore, the suit, if instituted, will have to be decided on its own merits and in accordance with law uninfluenced by the observations of the authorities. Petition is dismissed. Ad-interim order, if any, to stand vacated. No costs.

(S.C.DHARMADHIKARI J.)